

Remarks/Arguments

This is in response to the outstanding Office Action mailed February 26, 2003, and is accompanied by a petition for a three month extension of time. The last day of the response period is August 26, 2003.

Applicant's representative thanks the Examiner for the teleconference of August 25, 2003, and for clarification of the status of the claims. Claims 1, 3-6, 8-11, 13-19, 22-40, 42-65, and 68-70 were pending, with Claims 22-35, 39 and 40 having been withdrawn from consideration pursuant to a restriction requirement. Claims 1, 6, 8-9, 11, 13, 16-18, 46, 48, 51, 53-54, 56, 58, 61, and 63-64 were allowed.

Without prejudice as to further prosecution, Claims 3, 15, 19, 36-38, 42-45, 47, 52, 57, 60, 62, 65, and 68-70 and non-elected Claims 22-35, 39, and 40 are hereby canceled; Claims 4-6, 10, 14, 49-50, 55, and 59 are hereby amended. Accordingly, Claims 1, 4-6, 8-11, 13-14, 16-18, 46, 48-51, 53-56, 58-59, 61, and 63-64 remain in the case.

Rejections Under 35 U.S.C. § 112, first paragraph

Claims 68-70 were rejected under 35 U.S.C. § 112, first paragraph as containing subject matter that is not enabled. Although the Applicant respectfully disagrees, Claims 68-70 have been canceled to facilitate allowance of the application.

Claims 4, 10, 14, 15, 19, 36-38, 42-45, 47, 50, 52, 55, 57, 59, 60, 65, and 68-70 were rejected under 35 U.S.C. § 112, first paragraph as not enabled in the absence of a deposit of claimed cell lines Mpf and Mv-1-Lu. To facilitate allowance of the application, Claims 15, 19, 36-38, 42-45, 47, 52, 57, 60, 65 and 68-70, which recite those cell lines, have been canceled. Dependent Claims 4, 10, 14, 50, 55, 59, have been amended to delete reference to the aforementioned claims and cell lines.

Accordingly, the rejections are moot and should be withdrawn. Applicant reserves the right to present the canceled claims in a continuation application.

Appl. No. 09/040,103
Amdt. dated August 26, 2003

Rejection Under 35 U.S.C. § 112, first paragraph

Claims 5, 14, 15, 42 and 44 were rejected under 35 U.S.C. § 112, second paragraph as being indefinite. Claims 15, 42, and 44 are now canceled in view of the requirement for deposit of cell lines. Claims 5 and 14 have been amended to correct their dependencies. In view of the claim cancellations and amendments, the rejection is moot and should be withdrawn.

Conclusion

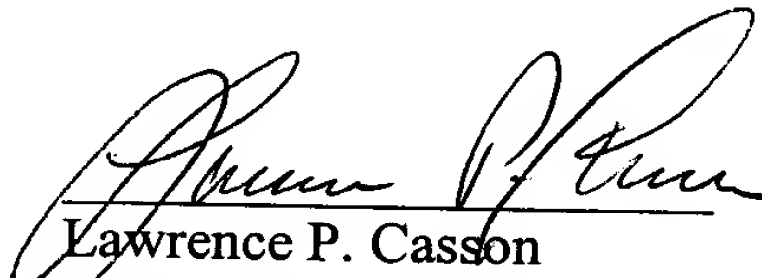
Enclosed is a set of corrected drawings. It is believed that this amendment is fully responsive to the outstanding Office Action, and allowance of the claims is respectfully requested. The Examiner is invited to contact the undersigned to resolve any issues that might remain.

Respectfully submitted,

KENYON & KENYON

Date: August 26, 2003

By:


Lawrence P. Casson
Registration No. 46,606

One Broadway
New York, NY 10004
Telephone: (212) 425-7200
Facsimile: (212) 425-5288